

**From:** [Barbara Nann](#)  
**To:** [Carl Bolden](#); [Barbara Aldridge](#)  
**Subject:** Fw: Comments on Draft AOC for Removal Action  
**Date:** 05/23/2008 02:34 PM  
**Attachments:** [AUSTIN 247517 1.DOC](#)  
[AUSTIN 245959 5.DOC](#)

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----- Forwarded by Barbara Nann/R6/USEPA/US on 05/23/2008 02:37 PM -----

**Elizabeth.Webb@tklaw.com**

05/23/2008 02:18 PM

To Barbara Nann/R6/USEPA/US@EPA  
cc Garyg Miller/R6/USEPA/US@EPA  
Subject Comments on Draft AOC for Removal Action

Barbara,

As we discussed on our call yesterday, attached is a revised AOC for removal action for the tanks on the Gulfco Marine Maintenance Site for your review. I have attached a redline draft which shows the proposed changes to the AOC that EPA sent to us in March. A clean copy of the revised AOC is also attached for your convenience.

The primary changes we propose are as follows:

- Eliminate references to past costs. As we mentioned on the call and based upon Mr. Coleman's letter of May 13, 2008, EPA's past costs will be addressed in the Consent Decree. The letter actually refers to both past and future costs being addressed by the Consent Decree. We have left future costs associated with the removal action in the AOC.
- Define Northern Portion and Southern Portions of the Site
- Delete findings reciting pre-RI/FS data for site conditions because these data are dated given the extensive RI and not relevant to the removal of the tanks and tank contents. We could incorporate current data from the RI, but it is also not relevant to removal of tanks. We added findings describing the tanks and their contents and the need to address potential risk to the tanks from hurricanes along the Texas coast.
- Compress or eliminate the approval time for certain tasks in order to conduct the removal activities sooner. For example, we propose to designate Eric Pastor as the approved Project Coordinator in the AOC, attach an approved work plan to the AOC as

Appendix D, and provide that potential receiving facilities identified in the approved work plan are approved.

- Revise the financial assurance provisions to incorporate by reference the financial assurance demonstrations already made with respect to the RI/FS which demonstrate that the companies have sufficient financial strength to complete the removal action.
- Revise the insurance provisions to adopt the insurance requirements the companies are using for the RI/FS.

While we are prepared to recommend this revised AOC to our clients, we must reserve the right to propose additional changes as this draft AOC is still undergoing review by each company's in-house counsel and management.

We look forward to meeting with you on Tuesday to work on finalizing the AOC.

Thank you, Liz Webb

(Redline of AOC)

(Clean Copy)

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